

# EXHIBIT 8

TRINITY LUTHERAN CHURCH OF  
COLUMBIA, INC.

V.

Carol S. Comer, in her official capacity as Director of the Missouri Department of Natural Resources Solid Waste Management Program,

**DECLARATION OF CHRISTIANA M. HOLCOMB IN SUPPORT OF  
PLAINTIFF’S MOTION FOR ATTORNEY’S FEES AND COSTS**

I, CHRISTIANA M. HOLCOMB, under penalty of perjury, make the following  
declaration pursuant to 28 U.S.C. § 1746:

1. I am filing this declaration to demonstrate the reasonableness of both my hourly rate and the total amount of compensable time that I incurred in this case.

2. I have worked on select aspects of this case. My principal contributions to Trinity Lutheran's efforts were conducting legal research, drafting pleadings, and communicating with the client.

3. I joined Alliance Defending Freedom, a non-profit public interest law

firm, as a law clerk in January 2012. In July 2013, I was promoted to an attorney position. I have practiced law for four years and am currently a Legal Counsel. In this capacity, I practice exclusively in the areas of civil rights, particularly free speech and religious liberties. I practice primarily in federal court and have helped litigate cases in the Supreme Court, courts of appeals, and multiple district courts. I am involved in all aspects of litigation, including research, drafting and filing briefs, discovery, and arguments.

4. I graduated *summa cum laude* from Oak Brook College of Law and Government Policy with a Juris Doctor degree in 2010. While in law school, I worked as a Teaching Assistant for Criminal Law.

5. I am admitted to the state bars of California and the District of Columbia, and am admitted to the bars of the Supreme Court of the United States, the United States Courts of Appeals for the Third, Sixth, and Ninth Circuits, as well as the United States District Courts for the Southern District California and the Eastern District of California.

6. I have also been granted *pro hac vice* admission to the bars of United States District Courts across the nation.

7. For the bars and courts in which I am admitted, I am a member in good standing and there are no grievance proceedings or any other disciplinary actions pending against me. In addition, I have never been held in contempt of court,

censured, disbarred, or suspended by any court.

8. In my time of practice as a constitutional lawyer, I have been involved in litigating multiple First Amendment and related cases, including: *ADF v. IRS*, No. 15-525, 2017 WL 4325615 (D.D.C. Sept. 27, 2017); *Cochran v. City of Atlanta*, 1:15-cv-477 (N.D. Ga.) (complaint filed Feb. 18, 2015); *Defiore v. City Rescue Mission of New Castle*, 2:12-cv-01590-CB (W.D. Penn.) (complaint filed Nov. 2, 2012); *Doe v. Boyertown Area School District, et al*, No. 17-1249, 2017 WL 3675418 (E.D. Pa. Aug. 25, 2017), *appeal filed* Sept. 25, 2017; *Foothill Church v. Rouillard*, 2:15-cv-02165-KJM-EFB (E.D. Cal.) (amended complaint filed Oct. 23, 2017); *Fort Des Moines Church of Christ v. Jackson*, 215 F. Supp. 3d 776 (S.D. Iowa 2016); *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014); *Horizon Christian Fellowship v. Williamson*, 1:16-cv-12034 (D. Mass.) (complaint filed Oct. 11, 2016); *Joint Heirs Fellowship Church v. Akin*, 629 F. App'x 627 (5th Cir. 2015); *June Medical Services LLC v. Kathy Kliebert et al*, 105 F. Supp. 3d 611 (M.D. La. 2015); *New Generation Christian Church v. Rockdale Cnty, GA*, 2014 WL 1304911 (N.D. Ga. Mar. 27, 2014); *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); *Simon v. Finn*, No. 1416-CV16699 (Mo. Cir. Ct., May 3, 2016); *Skyline Church v. California Dep't of Managed Health Care*, 3:16-cv-501-H-DHB (S.D. Cal.) (complaint filed Feb. 26, 2016); *Stormans, Inc. v. Wiesman*, 794 F.3d 1064 (9th Cir. 2015), *cert. denied* 136 S.Ct. 2433 (2016); *State of Hawai'i, Ex Rel Kahle v. One Love Ministries*, 13-1-0893-

03 VLC (Haw. Cir. Ct.) (amended complaint filed Feb. 20, 2014), *appeal filed* Nov. 13, 2014; *Tree of Life Christian Schools v. City of Upper Arlington, OH*, 2:11-cv-09, 2017 WL 4563897 (S.D. Ohio Oct. 13, 2017), *appeal filed* Nov. 13, 2017; *U.S. v. City Rescue Mission of New Castle*, 2:13-cv-00916-CB (W.D.Pa.) (complaint filed Jun. 28, 2013).

9. I have also worked on multiple *amicus* briefs for Alliance Defending Freedom in cases involving complex First Amendment questions and related issues, including: *Brown v. Livingston*, 524 F. App'x. 111 (5th Cir. 2013); *FFRF v. Lew*, 773 F.3d 815 (7th Cir. 2014); *Holt v. Hobbs*, 135 S. Ct. 853 (2015); *Kant v. Lexington Theological Seminary*, 426 S.W.3d 587 (Ky. 2014); *Kirby v. Lexington Theological Seminary*, 426 S.W. 3d 597 (Ky. 2014); and *Wadsworth v. Word of Life Christian Center*, 737 F.3d 1268 (10th Cir. 2013).

### **Preclusion of Other Employment**

10. By working on Trinity Lutheran's case, I was precluded from working on other matters or taking on other representation that I might otherwise have been able to take on.

11. This case imposed time limitations on my schedule as it required extensive research and writing in order to vindicate Trinity Lutheran's constitutional rights. The novel constitutional challenges necessitated by Defendant's efforts to justify its unconstitutional grant policy required extra amounts of my time, which

precluded me from working on other matters.

12. This case would have been undesirable for most attorneys to undertake because it lacked a guaranteed fee.

### **Reasonableness of Rate**

13. As a non-profit organization, Alliance Defending Freedom represents its clients on a *pro bono* basis. Our clients do not pay for our services or the costs of litigation.

14. The *pro bono* representation of our clients and the national scope of our practice mean that we do not currently have internal billing rates. Alliance Defending Freedom's attorneys' fees rates are determined by billing practices in the legal market where a case is pending.

15. I have investigated and obtained information to familiarize myself with the hourly billing rates of attorneys with skill and experience in the First Amendment area of law who practice in the Kansas City, Missouri, area near where this case originated as well as attorneys who practice before the United States Supreme Court.

16. My billing rate of \$200.00 per hour for my time in this case is consistent with the prevailing market rate in the Kansas City area, where many attorneys of my experience would bill in excess of \$200.00 per hour to litigate a complex First Amendment case as the concurrently filed declaration of Charles Hatfield attests. This rate is also reasonable in light of my experience in constitutional law.

17. Additionally, my rate is very reasonable for practice before the United States Supreme Court, as the concurrently-filed declaration of frequent Supreme Court practitioner Paul Clement attests.

18. Few attorneys practice First Amendment constitutional litigation, fewer practice constitutional litigation on behalf of plaintiffs against governmental entities, and even fewer practice exclusively in this area of law. The intent of Congress when it authorized attorney's fees and costs under 42 U.S.C. § 1988 was to permit plaintiffs to bring constitutional claims against governmental entities and also to ensure that the cost of litigation on behalf of plaintiffs seeking to vindicate their constitutional rights would not serve as a barrier to bringing such actions. Trinity Lutheran would not have been able to bring this case without the prospect of reasonable attorney's fees and costs being awarded.

### **Reasonableness of Time and Expenses Incurred**

19. The concurrently filed itemized statement sets forth my task-based time based upon contemporaneous time records kept via the timekeeping function on in-house software as I performed the work. I exercised my billing judgment by reducing duplicative or otherwise unreasonable time expenditures. These reductions are individually documented in the itemized statement.

20. The total time I incurred on this case is 76.9 hours. After I reviewed my time and exercised critical billing judgment, this amount was reduced to 70.6

hours. At a billing rate of \$200.00 per hour, this results in a current amount of \$14,120.00 that may properly be claimed against Defendant.

21. The concurrently filed declarations of regular Supreme Court practitioner Paul Clement as well as mid-Missouri practitioner Charles Hatfield attest to the fact that the total time that Alliance Defending Freedom incurred in this case, including my total compensable time, is very reasonable for this type of case with its procedural history.

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th day of July, 2018, at Washington, D.C.

s/ Christiana Holcomb

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